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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,486	09/25/2000	Andrew D. Flockhart	4366-20	3085
22442	7590	04/13/2004	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			KEMPER, MELANIE A	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/669,486

Applicant(s)

FLOCKHART ET AL.

Examiner

M Kemper

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,8,10,18,26-27,30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker, patent number 6088444.

Walker teaches a method and corresponding system comprising: evaluating a collection of one or more items of a customer to identify a value of at least one item in the collection, the collection being associated with a contact of the customer (col. 3, lines 45-50, col. 5, lines 54-60); and routing the contact of the customer to at least one of a working agent and queue in the contact center based at least in part of the value (col. 3, lines 45-67, col. 6, lines 30-35). Walker also teaches the routing step considers at least one of an identity of the customer, the historical business relationship with the customer (col. 3, line 64 – col. 4, line 8); the plurality of items having a separate value and the value of the at least one item is the total of the separate values (figs 4B, 4C); the priority of the contact is directly dependent upon the value of the at least one item (col. 6, lines 10-35).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al., patent number 6,597,685 in view of Walker et al., patent number 6,088,444.

Miloslavsky teaches a method for routing contacts in a contact center comprising: evaluating a collection of one or more items the collection being associated with a contact of the customer and routing a contact of the customer to at least one working agent and queue based on priority queuing (col. 10, lines 25-55, col. 16, lines 20-21, lines 31-36, col. 31, lines 15-25, col. 36, lines 35-50, col. 38, lines 20-35); the collection is an order, such as a shopping cart (col. 12, lines 2-15); providing the customer with at least one web page that describes the item and the routing step follows a step of clicking on the icon (col. 12, line 45 – col. 13, line 4); comparing the item with predetermined information, such as a list of items, to determine the destination of the routing step (col. 16, lines 30-40, col. 36, lines 40-45, col. 38, lines 20-35); routing step considers at least the identity of the customer (col. 15, lines 50-67).

Miloslavsky teaches a method for routing contacts comprising: creating an electronic order associated with the current contact of a customer (col. 10, lines 45-55); adding at least one item to the electronic order (col. 12, lines 1-10); receiving a request from the customer for the contact to be serviced (col. 12, lines 44-63); evaluating the at least one

item in the order to identify at least one of an identity of the at least one item (col. 16, lines 30-40, col. 19, lines 40-45, col. 31, lines 20-25, col. 36, lines 40-45, col. 38, lines 20-35); selecting at least one resource and a queue to receive the contact based at least in part on the identity of the item (col. 16, lines 20-21, lines 31-36, col. 19, lines 40-45, col. 36, lines 40-45, col. 38, lines 20-30).

Walker teaches a method and corresponding system comprising: evaluating a collection of one or more items of a customer to identify a value of at least one item in the collection, the collection being associated with a contact of the customer (col. 3, lines 45-50, col. 5, lines 54-60); and routing the contact of the customer to at least one of a working agent and queue in the contact center based at least in part of the value (col. 3, lines 45-67, col. 6, lines 30-35). Walker also teaches the routing step considers at least one of an identity of the customer, the historical business relationship with the customer (col. 3, line 64 – col. 4, line 8); the plurality of items having a separate value and the value of the at least one item is the total of the separate values (figs 4B, 4C); the priority of the contact is directly dependent upon the value of the at least one item (col. 6, lines 10-35).

Walker also teaches creating an order associated with a current contact of a customer (figs. 4A-4C); adding at least one item to the order (figs. 4A-4C); evaluating the at least one item in the order to identify at least one of an identity of the item and a sales price of the item (col. 4, line 65 – col. 5, line 10); selecting at least one of a resource and a queue in the contact center to receive the contact based at least in part on at least one of an identity of the item and a sales price of the item (col. 3, lines 45-67, col. 6, lines 9-

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40). It would have been obvious to one having ordinary skill in the art at the time of the invention to include the value of the order and routing based at least in part on the value of the order as in Walker in the method and system of Miloslavsky since evaluating and routing based on the value of the order would have prevented dissatisfaction of the high business value customer as suggested in Walker (col. 1, lines 30-35) and since Miloslavsky suggests preemptive priority for valued customers (col. 31, lines 19-21). Miloslavsky substantially teaches the invention but does not specifically show use of an applet. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used an applet for accessing and computing the order since this is well known in the art for on-line customer orders. It also would have been obvious to have compared the value to a predetermined value to determine the destination step since a threshold would be necessary in order to determine who qualifies as a "valued" customer where the value is at least determined by the amount of sales. It also would have been obvious to have evaluated the value and nature of item in a shopping cart since this would have been adopted for the intended use of determining which product the customer is about to order (col. 12, lines 9-15).

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Since the applicant did not traverse the examiner's assertion of the use of an applet is the common knowledge or well-known in the art, the statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion. (However, art is supplied below).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "eGain's Commerce 200 Platform..Communications" Business Wire, 11/15/99 discloses eGain Live prior to 4/2000.

Ginsberg, patent number 6,064,730 teaches use of an applet to generate orders (col. 3).

Arledge, Jr. et al., patent number 6,535,294 teaches the use of applets and shopping carts for online orders (fig. 12, col. 16, lines 44-67).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



M Kemper  
Primary Examiner  
Art Unit 3622

MK